



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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<http://www.epa.gov/region08>

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**CONCURRENCE  
COPY**

NOV 18 2010

Ref: 8ENF-RC

**GENERAL NOTICE LETTER  
CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

CT Corporation System, Registered Agent  
For Atlantic Richfield Company  
9360 Glacier Hwy, Suite 202  
Juneau, AK 99801-7012

Atlantic Richfield Company  
4101 Winfield Road  
Warrenville, IL 60555-3521

Attn: Luke Keller, President

Re: Notice of Potential Liability for the Rico-Argentine Site Near  
the Town of Rico, in Dolores County, Colorado

Ladies and Gentlemen:

Under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency ("EPA") is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Rico-Argentine Site located near the Town of Rico in Dolores County, Colorado ("the Site"). EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that Atlantic Richfield Company

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("AR") may be responsible under CERCLA for cleanup of the Site or costs EPA <sup>may incur</sup> ~~has incurred~~ in cleaning up the Site.

### **Explanation of Potential Liability**

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties ("PRPs") may be required to perform clean-up actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current and former owners and operators of a Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the Site, and persons who accepted hazardous substances for transport and selected the Site to which the hazardous substances were delivered.

Based on the information collected, EPA believes that AR~~SO~~ may be liable under Section 107(a) of CERCLA with respect to the Rico-Argentine Site, as the current or previous owner and/or operator of the Site.

To date, EPA has taken response actions at the Site under the authority of the Superfund Program. Below is a brief description of the actions taken at the Site.

- A Preliminary Assessment ("PA") and Site Investigation ("SI") was performed in order to gain a basic understanding of any risks posed to human health and/or the environment by releases or threatened releases from the Site.
- A Classic Emergency Removal Action was conducted to reduce an immediate threat to the environment or human health posed by the Site.
- Site Reassessments were performed to evaluate the continued effectiveness of the Removal Action and to define the nature and extent of contamination at the Site and the risks posed by the ongoing release of hazardous substances from the Site.

### **Information to Assist You**

EPA <sup>is establishing</sup> ~~has established~~ an Administrative Record that contains documents that serve as the basis for EPA's selection of a clean-up action for the Site. The Administrative Record will be established at a location near the Site, most likely in the Town of Rico, and will be made available for public inspection and comment. When the Administrative Record <sup>will</sup> ~~has been placed~~, you will be notified of its location. In the interim, the Administrative Record <sup>is</sup> ~~is also~~ available for inspection and comment at EPA Region 8's Superfund Records Center, 1595 Wynkoop Street, in Denver, CO. <sup>be</sup>

Please give these matters your immediate attention. If you have any questions regarding this letter, please contact Amelia Piggott, of my staff at (303) 312-6410. Technical questions should be addressed to Steven Way, On-Scene Coordinator, at (303) 312- 6723. Thank you for your prompt attention to this matter.

Thank you for your cooperation in this matter.

Sincerely,

Kelcey Land, Director  
Technical Enforcement Program

Matt D. Cohn, Supervisory Attorney  
Legal Enforcement Program

cc: Jean Martin, General Counsel, AR  
Bill Duffy, Counsel, Davis, Graham & Stubbs  
Amelia Piggott, 8ENF-L  
Carol Pokorny, 8ENF-RC  
Steven Way, 8EPR-ER

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baa: Site File

**ADDRESS OF CCs**

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